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**TURTLE
BROADCASTING
COMPANY**

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July 8, 1996

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FCC - WASH DC

William F. Canton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Comments regarding the Federal Communications Commission's
EEO proceeding - M M Docket No. 96-16.

Dear Sirs:

We are small market broadcasters with stations in Branson, Missouri and Gatlinburg/Sevierville, Tennessee. This letter contains our comment on the proposed EEO rule changes at the FCC.

Our company believes, as do most broadcasters we associate with, that gender or racial discrimination is wrong and that United States policy to forbid discrimination on a federal level is right and appropriate.

Further, as long as national policy promotes affirmative action, the FCC and the broadcasters must work together to assure women and minorities have extraordinary opportunity to access careers in the broadcast industry.

However, for some time, I have believed that the current system focuses too much on process and not enough on results. Therefore, broadcasters spend their time focusing on correct process and record keeping and not on methods to more effectively recruit qualified women and minority candidates and practice diversity hiring.

We, in smaller markets, must recruit in the same manner as large market broadcasters. Yet, large market broadcasters have a significant recruiting advantage over small market broadcasters. They offer greater starting salaries, benefit packages and are, in most cases, closer to where the greatest number of applicants live.

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The possibility that reporting threshold will be raised from five to ten employees would not help many small market broadcasters who may have as many as twenty full time employees. Our stations employ between 15 and 18 employees.

In Branson, we are only required to pass the effort based test for women, which is pretty easy to do. However, in Sevierville/Gatlinburg, our stations are 40 miles from Knoxville which has a 5% minority population. Sevier County is in the Knoxville SMSA, being an adjacent county. The minority population in Sevier County, which is a rural county, is less than 1%. The 5% minority population triggers efforts based testing for all Knoxville SMSA stations. Since there are few minorities, those qualified applicants are in high demand in Knoxville. Understandably, minorities are not likely to move to or commute 40 miles to Sevierville, for less pay and fewer benefits. Few apply.

Broadcasters strongly protested a quota test to determine if they employed adequate hiring standards and practices. They had no idea that the Commission would develop an effort based system, without specific expectations on how much effort was sufficient. Neither did they imagine a system where they could - by employment profile - demonstrate good hiring practices but still be fined for not conducting sufficient recruiting efforts.

We believe the FCC should consider the following as it reviews the current EEO rules:

In 1994, Missouri Broadcasters Association Executive Director, Don Hicks and myself, developed and proposed a centralized recruiting program, called *Source One*, to the Mass Media Bureau. It is based on a real assumption that a central organization, proactively contacting every known female and minority source on an ongoing basis, could find more women and minorities than any one broadcaster could do on their own. The central source would attract recruits from throughout Missouri and surrounding states, whereas a broadcaster would realistically only recruit from within their market. A minority in Kansas City would

become aware of opportunities in St. Louis through *Source One*. That same candidate might not know about the opportunity through the current system.

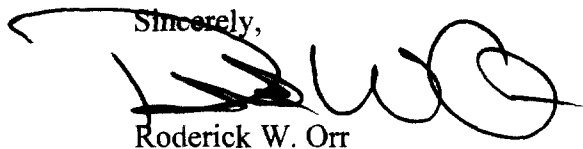
If the FCC allowed stations to fulfill their efforts test by participating in a *Source One* type program, more women and minorities would find opportunities and broadcasters could literally expand their *recruiting net*.

I have enclosed the original Source One proposal submitted to Rod Porter - FCC, Jeff Baumann - NAB and Dwight Ellis - NAB.

2 Some broadcasters feel they would be willing to have the effectiveness of their recruiting and hiring practices tested against their actual employment profile and parity. In other words, if they demonstrated that they met certain employment profile/parity tests in, say, 6 out of 8 years of their license period, they would be deemed adequately recruiting and hiring women and minorities. The FCC could allow stations to select the method by which they will be evaluated at the beginning of the license period. They could either chose the employment profile/parity test or the recruiting test.

At this time, the system is not working. It creates animosity by broadcasters because of the vagueness of expectation, excess record keeping and difficulty recruiting within a reasonable area. There are ways broadcasters could become sincere partners in diversity recruiting and hiring of minorities. However, before that can happen, policy must change its focus from process to effectively building a recruiting pool into which women and minorities can flow and out of which broadcasters can draw.

Sincerely,



Roderick W. Orr

General Manager

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EMPLOYMENT RECRUITING DATABASE

(Source One)

Objective

To better execute the intent and purpose of the FCC Equal Opportunity Employment rules and regulations while making broadcasters' EEO model programs more effective and easier to apply.

Problems And Issues

1. Often, broadcasters are unable to access a sufficient pool of qualified minority/female applicant within their normal recruiting area.
2. The FCC has never clarified just how widely a broadcaster must recruit in order to satisfy its EEO model program and EEO rules.
3. Minority and female applicants who seek broadcasting careers through the usual recruiting sources may only be sought by broadcasters in the immediate area, limiting their employment potential.
4. Both broadcasters and minority/female applicants must contact multiple referral sources.
5. Small market stations have difficulties recruiting in small, rural, recruiting areas.
6. Stations must contact many different recruiting sources, some with very little ability to refer applicants. Often the time required to make the contacts weighed against minimal referrals result in diminished effort by the stations.
7. The current system results in broadcasters focusing on the EEO process and employment audit trails rather than diversity hiring.

Concept

The Missouri Broadcasters Association (MBA) will design and implement a centralized employment recruiting database.

The MBA will compile a list of the recruiting sources currently used by every member

broadcaster in Missouri. In addition, it will add minority/female educational institutions with broadcast, journalism, electrical engineering or business administration programs to the list. Major minority/female recruiting sources in adjacent states may also be added.

Each recruiting source may refer applicants to the MBA at anytime. However, the MBA will actively contact each source monthly in the manner they prefer (i.e. telephone, fax, on-line service), for applicants.

When a Missouri broadcaster has a job opening, it will first contact the MBA employment recruiting database. Applicants on file will be referred to the broadcaster by job category. The MBA will maintain resumes and send them to the stations electronically, by fax or by mail.

In the case where broadcasters wish to make referral sources aware of their specific openings, the MBA will communicate the sources of its openings.

Each broadcaster would be made aware that if it failed to recruit a sufficient number of minority/female applicants, adequate efforts may not exist. The broadcaster would then make direct contacts with the MBA's referral sources, along with new sources.

The MBA will avail the service to broadcasters in Missouri. Non-members will be charged for the service. Broadcasters in adjacent states may also use the service at a charge.

At the beginning of the project, the MBA will survey all Missouri broadcasters to ascertain their success rate in attracting referrals. The survey will be reconducted twelve months later to evaluate the MBA's success in growing a fresh pool of minority/female applicants.

Benefits

1. Broadcasters will be able to access applicants throughout the state, generating more referrals of qualified applicants. Additionally, the MBA will seek referrals from the seven adjacent states.

2. Broadcasters in areas with small populations of minorities will be able to access minorities from areas of the state with larger minority/female populations.
3. Minorities will have employment opportunities throughout the state and adjacent states, not only in the area from which their local broadcasters recruit.
4. Broadcasters will be encouraged to comply with EEO rules because the effort based required to implement a broadcaster's EEO model program will generate more fruit.
5. The MBA will provide an essential service to its member broadcasters, making membership more valuable.
6. After the MBA program is evaluated, other state broadcaster associations may implement the service. All states with a centralized employment recruiting database can then begin sharing referrals. The NAB may also access the state databases.
7. Broadcasters and applicants need only contact a single source for referrals rather than multiple sources.
8. Broadcasters will conduct serious minority/female recruiting throughout the license period.

Actions

1. Consult the NAB about the legality and practicality of the project. Ask the NAB for their input.
2. Ask the FCC to redraft EEO guidelines for broadcasters in Missouri who use the MBA employment recruiting database.
3. Develop, then implement, the software and centralized sourcing system.
4. Query each MBA member station and receive their list of minority/female referral sources. Contact those sources and solicit their participation in the program.
5. Train and encourage Missouri's broadcasters to utilize the database each time they have an opening and report referrals and hires resulting from the service.
6. Evaluate the program at the end of six months to make improvements in the system if necessary.
7. Along with the NAB and FCC evaluate the program at the end of 36 months to determine if the program can be made permanent and adopted nationally.

Summary

The current system does not serve the purpose for which it was intended. It is viewed by most broadcasters as "bureaucratic busy work" rather than a way to diversify their human resources.

From a minority/female perspective, seeking employment is more difficult than it should be, given the burden on broadcasters to seek minority/female applicants.

Central sourcing of job opportunities, as well as minority/female applicants, makes the process efficient, simple, one stop shopping for both broadcasters and minority/female applicants.

Submitted By

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